

REMARKS

The Examiner objected to claim 6, recommending changing "claim 6" to --- claim 5 ---. Applicant has amended claim 6 in accordance with the Examiner's recommendation.

The Examiner provisionally rejected claims 1-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 7-11, 13-17, 19, and 20 of copending Application No. 10/820,117 (App. '117) in view of Iwasa *et al.* (6,074,801).

Applicant presents support *infra* for the claim amendments, and Applicant presents arguments *infra* for traversing the rejection of claims 1-20 under the judicially created doctrine of obviousness-type double patenting.

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Obviousness-Type Double Patenting

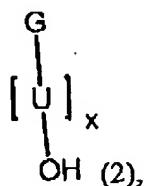
The Examiner rejected claims 1 and 13 under judicially created Obviousness-Type Double Patenting, stating:

Claims 1 and 13 of App.'117 teaches present claims 1 and 13 except for the present multihydroxy-containing additive. Iwasa teaches (col.18, lines 4-26, col.19, lines 4-9) the use of 0.02-20 wt.% of polyhydric alcohol (alcohol with equal to or more than 2 valences) in a negative type photoresist composition in order to improve resolution. . . . Therefore, claims 1 and 13 of App.'117 in view of Iwasa would render obvious present inventions of claims 1-3, 13, and 18 (emphasis added). See the Office Action, page 2, paragraph 3.

Applicant respectfully traverses the Examiner's rejection of claims 1-3, 13, and 18 arguing there is no motivation to combine Iwasa and claims 1 and 13 of Assignee's co-pending U.S. Patent Application No. 10/820,117 (App. '117) to modify claims 1 and 13 of App. '117.

Applicant respectfully submits that the Examiner erred in combining Iwasa and claims 1 and 13 of App. '117 because there is no reason to modify claims 1 and 13 of App. '117 by adding the polyhydric alcohol of Iwasa since claims 1 and 13 of App. '117 already claim a hydroxy containing second polymer.

Applicant respectfully submits the Examiner incorrectly concluded "claims 1 and 13 of App. '117 teaches present claims 1 and 13 except for the present multihydroxy-containing additive" (emphasis added). The Office Action, page 2, paragraph 3. Specifically, claims 1 and 13 of App. '117 oppose the foregoing assertion, because claims 1 and 13 of App. '117 claim a second polymer comprising a repeating unit from a second monomer (2), wherein the second monomer (2) has the structure:



in opposition to the Examiner's statement that "claims 1 and 13 of App.'117 teaches present claims 1 and 13 except for the present multihydroxy-containing additive" (emphasis added). Id. Specifically, Applicant respectfully asserts the second monomer 2 is a hydroxy-containing additive, and the second polymer comprising a repeating unit from a second monomer (2) is a hydroxy containing polymer. In addition, the specification of App. '117 supports "a hydroxy-containing second polymer". App. '117 Specification, page 21, line 9. Therefore the hydroxy-containing second polymer, having repeating units from the second monomer (2) must have more than one hydroxyl group, i.e. be "polyhydric," because the second polymer must have more than one hydroxyl group if it has repeating units from the second monomer (2). Therefore there is no reason to modify claims 1 and 13 of App. '117 with the polyhydric alcohol teachings of Iwasa so the combination is improper.

The Examiner relies on Iwasa to teach the present multihydroxy-containing additive of Applicant's claims 1 and 13, stating the motivation to combine Iwasa with claims 1 and 13 of App. '117 is to use a polyhydric alcohol to improve the resolution of the photoresist of claims 1 and 13. See the Office Action, page 3, paragraph 3.

Applicant respectfully asserts that modifying claims 1 and 13 of App. '117 by the polyhydric alcohol teaching of Iwasa is an improper combination because the Examiner does not state nor does Iwasa teach or suggest that the polyhydric alcohol of Iwasa would improve the resolution of the photoresist of claims 1 and 13 of App. '117, in light of the fact that claims 1 and

13 of App. '117 claim and Iwasa teaches photoresists having different chemistry.

In addition, Applicant respectfully asserts there is no motivation to combine Iwasa and claims 1 and 13 of App. '117 because the App. '117 specification states the photoresist of the present invention provides good spatial resolution:

For example, the negative photoresist compositions of the present invention may provide lithographic patterns having spatial resolution for line/space pairs of at least 140 nm (i.e., 0.14 μ m). See App. '117, page 17, lines 18-19 and page 18, lines 1-5.

In other words, photolithography from using the photoresists of claims 1 and 13 of App. '117 already have good spatial resolution.

Accordingly, Applicant maintains that claims 1-3, 13, and 18 are not obvious over App. '117 in view of Iwasa, and therefore further maintain that an obviousness-type double patenting rejection of claims 4-12, 14-17 and 19-20 is improper using the same reasoning as Applicant used to overcome the Examiner's rejection of claims 1-3, 13, and 18, *supra*.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0458.

Date: 3/10/05

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